

Yosemite #4
CAG

Harvey F. Collins, Ph.D., Chief
Public & Environmental Health Branch

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Thru: W.F. Jopling, Acting Chief
Hazardous Materials Management Section

General Electric Company

David L. Storm, Ph.D.,
HMMS-Berkeley

This is in response to your request for comments on the possibility of the Department taking civil or criminal prosecution action against the General Electric Company for deposition of PCB material at their 14th Street plant in Oakland, California.

Before addressing the legal question, I have provided a brief history of the G.E. plant in the following discussion. The facility comprises about 24 acres of land which has been progressively developed and redeveloped over many years with the earliest buildings dating from 1925. It operated as a motor and transformer assembly plant from 1927 to 1948 and as a transformer manufacturing plant from 1948 until 1975. Usage of Pyranol (G.E. trade name for PCB's) in transformers began in the early 1930's and was terminated, according to G.E. in 1968. Total usage of PCB's is not accurately documented.

After 1968 PCB usage was apparently minimized and related only to occasional PCB-filled transformers. Some PCB's were stored on-site until 1975 when all such materials were returned to the Monsanto Chemical Company. A large PCB storage tank was subsequently removed and PCB's now handled on-site are limited to the storage of transformer oil (a non-PCB mineral oil, 10C oil) contaminated with PCB's.

Currently the facility conducts electrical and mechanical repairs for medium to large industrial and utility equipment manufactured by G.E. Present transformer repairs involve 10C oil. In some cases the transformers are contaminated with low levels of PCB's. During repair, the 10C oil is removed, filtered, and placed back into the transformer. In cases where the transformer cannot be repaired and must be discarded, G.E. claims the 10C oil is drummed and stored on-site.

During the summer of 1979 Hazardous Materials Management Section inspectors visited the facility and collected soil surface samples. Subsequent analysis indicated moderate (63-173 ppm) surface contamination by PCB's. On November 29, 1979 an administrative investigation and clean-up order was issued to G.E. by the Berkeley HMMS office. The order directed G.E. to conduct a detailed investigation of the facility to determine the extent of PCB contamination and subsequently to provide a plan of correction.

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G.E., with the aid of a local engineering consulting firm, conducted an investigation of the facility during the spring and summer of 1980. The investigation included the collection of a large number of soil samples and groundwater samples through borings. Analysis of the samples indicated that PCB soil contamination is widespread throughout the facility, but that the underlying groundwater, so far, appears not to be contaminated. The greatest contamination occurs in the area occupied by several large storage tanks, under which a subsurface deposit of transformer oil (about 15,000 gal) was found. The oil was contaminated with several thousand parts per million of PCB's. The oil is allegedly the result of inadvertent leakage from the storage tanks. Additionally, it was learned by interviewing plant employees that PCB's may in the past have been disposed in excavated pits on-site. Seismic investigation of the property, however, failed to find any covered pits.

In addition to the G.E. on-site investigations, the DOHS and the Bay Area Regional Water Quality Control Board are determining whether PCBs have migrated from the property. This is being done by analysis of water wells in the area and surface soil samples taken from neighboring industries and residences.

A preliminary meeting has been held by DOHS, the RWQCB and G.E. officials to discuss alternative remedial plans. Various options include (1) complete removal of all contaminated soil (over 200,000 cubic yards); (2) selective removal of the most contaminated soil and secure on-site containment of the remainder; and (3) on-site chemical or physical extraction or treatment of the soil.

The agencies are now asking that G.E. conduct several other investigations to better delineate the contaminated areas. The U.S. Environmental Protection Agency has also offered to provide the State with technical aid in assessing the data and developing an acceptable correction of the problem.

In order for the DOHS to consider legal action against G.E. it would have to be proven that PCB wastes were disposed of on-site after November 1977. At that time State hazardous regulations were promulgated in Chapter 30, Division 4, Title 22 of the California Administrative Code which authorized the DOHS to regulate on-site disposal of hazardous wastes. Although intentional dumping of PCB's and other chemicals may have occurred on the property in the past, we have obtained no evidence so far that such activities were occurring after 1977.

It is clear that considerable PCB spillage and leaking has occurred on the G.E. property in the past. We have found many such properties in the San Francisco Bay Area over the last two years. Although the careless

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handling and spilling of hazardous chemicals onto the land without proper clean-up is not legal according to Title 22, CAC, we have stressed clean-up and correction rather than prosecution because of the difficulties of establishing the time that the spilling or leaking occurred. Only in cases of brazen dumping, or when affidavits from witnesses are available, have we submitted cases for legal action.

We will continue our investigations of the G.E. contamination problem with the purpose of 1) gathering information needed to define potential environmental and public health hazards, 2) gather data needed to remedy the problem and 3) gather evidence that intentional dumping occurred after November, 1977. If we do find evidence in regard to item 3 we will submit it to legal staff for their consideration.

cc: Marsha Croninger
Legal Division
714 P Street, Rm. 1216
Sacramento, CA 95814

DLS:at

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